

AMENDED IN SENATE JUNE 8, 2011

AMENDED IN SENATE MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 104

Introduced by Committee on Budget (Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson)

January 10, 2011

An act to amend Section 5134 of the Business and Professions Code, to repeal and add Section 14044 of the Corporations Code, to amend Sections 965, 16142, 16142.1, 16148, 16320, 51244, and 63048.66 of, to amend, repeal, and add Section 12716 of, to add Section 22850.5 to, to add and repeal Section 8670.48.3 of, and to repeal Section 51244.3 of, the Government Code, and to amend Sections 4003 and 4004 of, and to add Section 14004.5 to, the Unemployment Insurance Code, relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately, bill related to the budget; 95020 of, and to add Section 95020.5 to, the Government Code, to amend Sections 709, 712, 4643, 4646.4, 4646.5, 4646.55, 4648.35, 4688.1, 4688.2, 4689, and 7502.5 of, to amend and repeal Section 4435 of, to add Sections 4435.1, 4641.5, 4648.55, 4681.7, 4686.3, 4686.31, 4688.21, and 4690.6 to, and to add and repeal Section 4785 of, the Welfare and Institutions Code, and to amend Section 10 of Chapter 13 of the Third Extraordinary Session of the Statutes of 2009, relating to developmental services, making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 104, as amended, Committee on Budget. ~~State government.~~
Developmental services.

(1) The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements.

This bill would require the planning process for the development of an IPP to include the development of a transportation access plan, as specified, when certain conditions are met.

This bill would specify the process by which a consumer who is 18 to 22 years of age, inclusive, is provided with day, vocational education, work services, independent living, or mobility and related transportation services.

(2) Existing law, in counties that agree to be subject to these provisions pursuant to a resolution adopted by the board of supervisors, provides that when it appears to the court, or upon request of the prosecutor or counsel, that a minor who is alleged to come within the jurisdiction of the juvenile court as a person who is or may be found to be a ward of the juvenile court may have a serious mental disorder, is seriously emotionally disturbed, or has a developmental disability, the court may order that the minor be referred for evaluation by a licensed mental health professional. Existing law also authorizes, during the pendency of any juvenile proceeding, the minor's counsel or the court to express a doubt as to the minor's competency. Existing law requires proceedings to be suspended if the court finds substantial evidence raises a doubt as to the minor's competency. Existing law requires the court to appoint an expert, as specified, to evaluate whether the minor suffers from a mental disorder, developmental disability, or developmental immaturity, or other condition and, if so, whether the condition impairs the minor's competency. Existing law requires that, if the minor is found to be incompetent by a preponderance of the evidence, all proceedings remain suspended to determine whether there is a substantial probability that the minor will attain competency in the foreseeable future or the court no longer retains jurisdiction.

This bill would eliminate the requirement that the court appoint an expert, as specified, to evaluate whether the minor suffers from a

developmental disability, and instead provide that if the minor is suspected of being developmentally disabled, the court is required to appoint the director of a regional center for developmentally disabled individuals to evaluate the minor, as prescribed, and would make related changes.

(3) Existing law, the California Early Intervention Services Act, provides a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, and interagency programs that are responsible for providing appropriate early intervention services and support to all eligible infants and toddlers, as defined, and their families, and requires an eligible infant or toddler receiving services under the act to have an individualized family service plan (IFSP). Existing law requires direct early intervention services to eligible infants and toddlers and their families to be provided pursuant to the existing regional center system under the Lanterman Developmental Disabilities Services Act and the existing local education agency system, as specified.

This bill would require, at specified times, the consumer of regional center services through either an IPP or IFSP, or the consumer's parent, guardian, or conservator to provide copies of any health benefit cards under which the consumer is eligible to receive health benefits. The bill would prohibit a regional center from using the lack of these benefits to negatively impact the decision as to which services and supports the consumer receives.

(4) Existing law authorizes a regional center to, pursuant to vendorization or a contract, purchase services or supports for a consumer from any individual or agency that the regional center and consumer or, where appropriate, his or her parents, legal guardian, or conservator, or authorized representatives, determines will best accomplish all or any part of that consumer's IPP.

This bill would require, on and after July 1, 2012, with specified exceptions, all providers of early intervention services purchased through a regional center and all vendors and contracted providers of services or supports for a consumer purchased through a regional center to submit all billings through the regional center e-billing system Internet Web application provided by the department. The bill would also require, effective July 1, 2011, regional centers to begin transitioning vendors and contracted providers into the regional center e-billing system.

This bill, beginning July 1, 2011, would require any vendor who provides specified services to submit prescribed verification to the

regional center for services provided to consumers who are under 18 years of age and residing in the family home, and would make related changes. This bill would also require the department to adopt regulations to address the use of paraprofessionals, as specified.

(5) Existing law requires the department to establish a prevention program for at-risk babies, as defined, to provide intake, assessment, case management, and referrals to agencies.

This bill would phase out this program by June 30, 2011, and would repeal the current provisions as of January 1, 2013. The bill would, effective July 1, 2011, require the department to contract with an organization representing one or more family resource centers, as defined, to provide outreach, information, and referral services for at-risk babies. The bill would also require regional centers to refer at-risk babies to the family resource centers.

(6) Existing law requires vendors of specified services to provide alternative senior program and alternative customized program components, as specified.

This bill would prohibit a regional center from referring consumers to these programs after July 1, 2011. The bill would authorize a consumer to choose a tailored day service or vouchered community-based training service in lieu of other specified programs.

(7) Existing law requires the Director of Developmental Services to establish, maintain, and revise, as necessary, an equitable process for setting rates of payment for nonresidential services purchased by regional centers.

This bill would require specified programs with a daily rate to bill regional centers for services provided to consumers in terms of half days and full days, as defined.

(8) Under existing law, Medi-Cal benefits include intermediate care facility services for persons with developmental disabilities. Existing law requires certain types of licensed intermediate care facilities for persons with developmental disabilities (ICF-DDs), as specified, to be responsible for providing day treatment and transportation services that are selected and authorized through an IPP, as specified, for each beneficiary receiving those services who resides in that licensed ICF-DD.

Existing law authorizes the department to make a supplemental payment to an enrolled Medi-Cal provider that is a licensed ICF-DD for day treatment and transportation services provided to Medi-Cal beneficiaries residing in the ICF-DDs, and requires the department to

amend the regional center contracts for the 2007–08 fiscal year to extend the contract liquidation period until June 30, 2011.

This bill would instead require the department to amend the regional center contracts for the 2007–08 and 2008–09 fiscal years, to extend the contract liquidation period to December 31, 2011, as specified.

(9) Existing law requires the department to adopt regulations that specify rates for community care facilities serving persons with developmental disabilities on the basis of a cost model designed by the department that ensures that aggregate facility payments support the provision of services to each person in accordance with his or her IPP and applicable program requirements.

This bill would, commencing July 1, 2011, authorize a regional center to enter into a signed written agreement with a residential service provider for a consumer's needs to be provided at a lower level of payment than the facility's designated Alternative Residential Model (ARM) service level without adjusting the approved service level.

(10) Existing law requires the department and regional centers to ensure that supported living arrangements for adults with developmental disabilities are made available, as specified.

This bill would revise the provisions relating to supported living arrangements by, among other things, providing for the sharing of tasks, as specified, for consumers who share a household with other adults receiving supported living services. The bill would also require an independent assessment for certain consumers in a supported living arrangement who either are receiving, or initially entering, supported living, who have supported living service costs, or who have an initial recommendation for service costs, that exceed 125% of the annual statewide average cost of supported living services, as published by the department commencing June 30, 2011. The bill would specify the duties of the department and the regional centers in connection with the reassessment process. This bill would require the regional center, if implementation of the task-sharing or reassessment requirements set forth in the bill would result in a determination of a reduction in services, to inform the consumer of the reason for that determination, and provide the consumer with written notice of specified fair hearing rights.

(11) Existing law establishes the Family Cost Participation Program to collect fees, as prescribed, from families with a child who receives services through the regional center system.

This bill would, effective July 1, 2011, and until June 30, 2013, establish a family program fee, as specified, for families with an adjusted gross family income, as defined, at or above 400% of the federal poverty level and who have a child meeting prescribed requirements, including receiving specified services from a regional center.

(12) Existing law establishes specified state hospitals for the developmentally disabled, including, but not limited to, Porterville Developmental Center, and prohibits the total number of developmental center residents in the secure treatment facility at Porterville Developmental Center from exceeding 297.

This bill would prohibit the total number of developmental center residents in the secure treatment facility at Porterville Developmental Center from exceeding 230, would prohibit the department from admitting any persons into the secure treatment facility until the population is less than 230 persons, and would prohibit the department from admitting more than 104 people who are ineligible to participate in programs certified for federal financial participation into the secure treatment facility.

(13) Existing law requires regional centers to reduce payments for specified services and supports by 3% from February 1, 2009, to June 30, 2010, inclusive, and by 4.25% from July 1, 2010, to June 30, 2012, inclusive, unless the regional center demonstrates that a nonreduced payment is necessary to protect the health and safety of the individual for whom the services and supports are proposed to be purchased, and the State Department of Developmental Services has granted prior written approval. Existing law excepts from this rate reduction services with usual and customary rates, pursuant to a specified regulation.

This bill would exclude payment for designated services with usual and customary rates from the exception to the above-described rate reduction, thereby making rates for the designated services subject to that reduction.

This bill would also require the department to reimburse the Office of Statewide Audits and Evaluations to conduct a review and analysis of the budget methodology, including relevant data, formulas, and cost assumptions, used in determining the department's annual budget.

(14) This bill would appropriate \$1,000 from the General Fund to the department for departmental support.

(15) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~(1) Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy. Existing law sets forth the fee structure for licensure as an accountant, including for biennial renewal of a permit to practice. Existing law requires the board to fix the biennial renewal fee, in an amount not to exceed \$250, so that the reserve balance in the board's contingent fund is equal to approximately 9 months of annual authorized expenditures. Existing law allows an increase in renewal fees only upon a determination by the board that additional moneys are required to fund authorized expenditures and maintain the board's contingent fund reserve.~~

~~This bill would delete the requirement that the board fix the biennial renewal fee for purposes of maintaining the 9-month reserve balance in the contingent fund, and would delete the limitation that the biennial renewal fee may only be increased when additional moneys are required to fund authorized expenditures and maintain the contingent fund reserve balance.~~

~~(2) The California Small Business Financial Development Corporation Law authorizes the formation of small business financial development corporations to grant loans or loan guarantees for the purpose of stimulating small business development and imposes certain duties with respect thereto on a director designated by the Secretary of Business, Transportation and Housing. The California Small Business Expansion Fund, which is created under that law and is continuously appropriated, provides funds to be used to pay for defaulted loan guarantees and administrative costs of these corporations.~~

~~This bill would require the Director of Finance, upon notification of the receipt of specified federal funds, to order that \$20,000,000 of state money in the expansion fund be reverted to the General Fund. The bill would require small business financial development corporations to prioritize the use of federal moneys over the use of state moneys when granting new loan guarantees, as specified.~~

~~(3) Existing law establishes the Oil Spill Response Trust Fund in the State Treasury and continuously appropriates to the administrator for oil spill response the moneys in the fund for expenditure for specified purposes, including to cover the costs incurred by state and local government for responding to oil spills. The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act requires the administrator to collect a uniform oil spill response fee, to be deposited into the fund, during any period that the fund contains less than or equal to 95% of a designated amount.~~

This bill would provide that if a loan or other transfer of money from the fund to the General Fund pursuant to the Budget Act reduces the balance of the fund to less than or equal to 95% of the designated amount, the administrator is not required to collect oil spill response fees if the annual Budget Act requires the transfer or loan to be repaid (A) to the fund with interest calculated at a rate earned by the Pooled Money Investment Account and (B) on or before June 30, 2014. The bill would require that the transfer or loan be repaid as soon as possible if a spill occurs and the administrator determines that response funds are needed immediately. These provisions would be repealed on July 1, 2014.

~~(4) Existing law authorizes, until January 1, 2015, a county, in any fiscal year in which payments authorized for reimbursement to a county for lost revenue pursuant to contracts entered into under the Williamson Act are less than $\frac{1}{2}$ of the participating county's actual foregone general fund property tax revenue, to revise the term for newly renewed and new contracts and require the assessor to value the property, as specified, based on the revised contract term. Existing law provides that a landowner may choose to nonrenew and begin the cancellation process. Existing law also provides that any increased revenues generated by properties under a new contract are to be paid to the county.~~

~~This bill would repeal these provisions.~~

~~(5) Existing law appropriates \$10,000,000 from the General Fund to the Controller for the 2010–11 fiscal year to make subvention payments to counties under the Williamson Act, as specified.~~

~~This bill would reduce this appropriation to zero.~~

~~(6) Existing law authorizes the loan of moneys in the State Treasury from one state fund or account to any other state fund or account to address the 2001–02, 2002–03, and 2003–04 fiscal years budgetary shortfalls, subject to certain conditions. Existing law requires the Director Finance to order the repayment of all or a portion of any loan made pursuant to the above provisions if he or she determines that the fund or account from which the loan was made has a need for the moneys or there is no longer a need for the moneys in the fund or account that received the loan. Existing law imposes certain reporting requirements on the Director of Finance related to the above-described loans.~~

~~This bill would, instead, provide that unless law authorizing any budgetary loan states otherwise, the Director of Finance shall order the repayment of all or a portion of any budgetary loan, including, but not~~

limited to, those loans described above, if he or she determines that the fund or account from which the loan was made has a need for the moneys or there is no longer a need for the moneys in the fund or account that received the loan. This bill would require the Director of Finance to make the above-described reports with respect to any outstanding budgetary loan and would make other specified changes related to the content and receipt of the reports.

(7) The Public Employees' Medical and Hospital Care Act authorizes the Board of Administration of the Public Employees' Retirement System to contract with carriers for health benefit plans for employees and annuitants, as defined.

This bill would require the board to negotiate with carriers offering health benefit plans to add a core health plan, as defined, to the existing portfolio of health benefit plans, or to implement other measures to achieve ongoing cost savings beginning in the 2012–13 fiscal year, or both.

(8) The federal Indian Gaming Regulatory Act of 1988 provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law ratifies a number of tribal-state gaming compacts between the State of California and specified Indian tribes. Existing law authorizes the Infrastructure and Economic Development Bank, upon a filing by the Director of Finance with the bank of a list of specified amended tribal compacts and compact assets, to sell for, and on behalf of, the state all or any portion of those compact assets to a special purpose trust, and authorizes the special purpose trust to issue bonds secured by those compact assets. Existing law provides that the portion of those compact assets that are timely deposited or are due for deposit in a specified fund between July 1, 2008, and June 30, 2011, shall not be available for the purpose described above. Existing law requires the Director of Finance to determine the portion of those compact assets attributable to each fiscal year, and authorizes the Director of Finance to direct the Controller, by separate order applicable to the assets for each fiscal year, to transfer the compact assets attributable to that fiscal year to the General Fund.

This bill would extend the period during which deposits of compact assets are not available for the purpose described above from June 30, 2011, to June 30, 2016.

~~(9) The federal Workforce Investment Act provides for workforce investment activities, including activities in which states may participate.~~

~~This bill would create the Consolidated Work Program Fund in the State Treasury, for the receipt of all moneys deposited pursuant to the federal Workforce Investment Act. The bill would require the Employment Development Department to administer those provisions, and moneys in the fund would be made available, upon appropriation by the Legislature, to the department for expenditure consistent with the act.~~

~~(10) Existing law provides that, for purposes of eligibility for federal-state extended unemployment benefits, an individual have earnings that exceed either 40 times his or her most recent weekly benefit amount or 1.5 times the highest quarter in the base period, and precludes the implementation of the alternative eligibility requirement for federal-state extended benefits unless the Director of the Employment Development Department determines that these provisions have been approved by the United States Department of Labor.~~

~~The federal Supplemental Appropriations Act of 2008 created the Emergency Unemployment Compensation (EUC) Program on June 30, 2008, which provides for the payment of up to 13 weeks of federally funded emergency unemployment compensation (EUC) benefits to eligible unemployed individuals nationwide who had already collected all regular state benefits for which they were eligible. The federal Unemployment Compensation Extension Act of 2008, which was enacted on November 21, 2008, further expanded the EUC Program to provide for the payment of 20 weeks of benefits nationwide, and provides for the payment of 13 more weeks of benefits to eligible unemployed individuals in states with high unemployment rates, as determined by specified criteria. The federal American Recovery and Reinvestment Act of 2009, which was enacted on February 17, 2009, extends to May 31, 2010, the period of time during which claims for EUC benefits can be filed and paid.~~

~~Existing state law provides for the payment of temporary federal-state EUC benefits authorized under the federal Supplemental Appropriations Act of 2008, the federal Unemployment Compensation Extension Act of 2008, and the federal American Recovery and Reinvestment Act of 2009 to eligible individuals in this state for weeks of unemployment on or after February 1, 2009, and continuing until the week ending 3 weeks prior to the last week for which specified provisions providing for 100% federal sharing authorized under the federal American~~

Recovery and Reinvestment Act of 2009, except as provided, if specified economic indicators trigger the payment of those benefits.

~~This bill would instead provide for the payment of temporary federal-state EUC benefits authorized under the federal Supplemental Appropriations Act of 2008, the federal Unemployment Compensation Extension Act of 2008, and the federal American Recovery and Reinvestment Act of 2009 to eligible individuals in this state for weeks of unemployment on or after February 1, 2009, and continuing until the week ending 4 weeks prior to the last week for which specified provisions providing for 100% federal sharing authorized under the federal American Recovery and Reinvestment Act of 2009, except as provided, if specified economic indicators trigger the payment of those benefits. The bill would also revise the economic indicators triggering payment of benefits for weeks of unemployment beginning on or after December 19, 2010, and continuing until a specified date authorized by federal law or until the week ending four weeks prior to the last week for which 100% federal sharing is authorized by federal law, as specified. The bill would make related changes.~~

~~Because the bill would provide for the payment of additional amounts from the Unemployment Fund, a continuously appropriated special fund, it would make an appropriation.~~

~~(11) The Budget Act for the 2010–11 fiscal year appropriates moneys to state entities to fund the operations of those entities, including, among other things, for the cost of office space.~~

~~This bill would authorize the Director of Finance to adjust any item of appropriation for departmental support in the Budget Act for the 2010–11 fiscal year to reflect reductions in the rental rates charged to a state entity by the Department of General Services for the cost of office space in buildings owned or operated by the department.~~

~~(12) The Tort Claims Act provides for the liability and immunity of a governmental entity for its acts or omissions that cause harm to persons. Existing law provides that any claim for money or damages against the state is required to be presented to the California Victim Compensation and Government Claims Board within a specified period of time. Existing law requires the board, upon allowing a claim for which the Director of Finance certifies that a sufficient appropriation for the payment of the claim exists, to designate the fund from which the claim is to be paid.~~

~~This bill would require the board to provide notice to the chairpersons of the committees in each house of the Legislature that consider~~

~~appropriations and the annual Budget Act, and the Chairperson of the Joint Legislative Budget Committee, within a specified period of time prior to allowing either the use of a current year appropriation to pay claims for prior year costs of \$500,000 or more, or claims from a single provider of goods or services with respect to a single department that exceed \$500,000 within one year.~~

~~The bill would also appropriate for the 2011–12 fiscal year \$1,000 from the Restitution Fund, a continuously appropriated fund, to the California Victim Compensation and Government Claims Board.~~

~~(13) Existing law creates in the State Treasury the Indian Gaming Special Distribution Fund for the receipt and deposit of moneys received by the state from certain Indian tribes pursuant to the terms of gaming compacts entered into with the state. Existing law authorizes moneys in that fund to be used for specified purposes, including for grants for the support of state and local government agencies impacted by tribal government gaming. Existing law, until January 1, 2021, requires each county that administers grants from the Indian Gaming Special Distribution Fund to provide an annual report to certain legislative and executive branch members by October 1 of each year detailing the specific projects funded by all grants in the county’s jurisdiction in the previous fiscal year, as specified.~~

~~This bill would, until January 1, 2012, and for the 2009–10 fiscal year, authorize the Controller to allocate funding to a county that submits the annual report after the October 1 deadline, but prior to July 1, 2011.~~

~~(14) The bill would also make various conforming and nonsubstantive changes.~~

~~(15) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. Governor Schwarzenegger issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010. Governor Brown issued a proclamation on January 20, 2011, declaring and reaffirming that a fiscal emergency exists and stating that his proclamation supersedes the earlier proclamation for purposes of that constitutional provision.~~

~~This bill would state that it addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation issued on January 20, 2011, pursuant to the California Constitution.~~

~~(16) This bill would declare that it is to take immediate effect as an urgency statute and a bill providing for appropriations related to the Budget Bill.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 95020 of the Government Code is
2 amended to read:

3 95020. (a) An eligible infant or toddler shall have an
4 individualized family service plan. The individualized family
5 service plan shall be used in place of an individualized education
6 program required pursuant to Sections 4646 and 4646.5 of the
7 Welfare and Institutions Code, the individualized program plan
8 required pursuant to Section 56340 of the Education Code, or any
9 other applicable service plan.

10 (b) For an infant or toddler who has been evaluated for the first
11 time, a meeting to share the results of the evaluation, to determine
12 eligibility and, for children who are eligible, to develop the initial
13 individualized family service plan shall be conducted within 45
14 calendar days of receipt of the written referral. Evaluation results
15 and determination of eligibility may be shared in a meeting with
16 the family prior to the individualized family service plan. Written
17 parent consent to evaluate and assess shall be obtained within the
18 45-day timeline. A regional center, local educational agency, or
19 the designee of one of those entities shall initiate and conduct this
20 meeting. Families shall be afforded the opportunity to participate
21 in all decisions regarding eligibility and services. *During intake*
22 *and assessment, but no later than the IFSP meeting, the parents,*
23 *legal guardian, or conservator shall provide copies of any health*
24 *benefit cards under which the consumer is eligible to receive health*
25 *benefits, including, but not limited to, private health insurance, a*
26 *health care service plan, Medi-Cal, Medicare, and TRICARE. If*
27 *the individual, or, where appropriate, the parents, legal guardians,*
28 *or conservators, have no such benefits, the regional center shall*
29 *not use that fact to negatively impact the services that the*
30 *individual may or may not receive from the regional center.*

31 (c) Parents shall be fully informed of their rights, including the
32 right to invite another person, including a family member or an
33 advocate or peer parent, or any or all of them, to accompany them
34 to any or all individualized family service plan meetings. With

1 parental consent, a referral shall be made to the local family
2 resource center or network.

3 (d) The individualized family service plan shall be in writing
4 and shall address all of the following:

5 (1) A statement of the infant's or toddler's present levels of
6 physical development including vision, hearing, and health status,
7 cognitive development, communication development, social and
8 emotional development, and adaptive developments.

9 (2) With the concurrence of the family, a statement of the
10 family's concerns, priorities, and resources related to meeting the
11 special developmental needs of the eligible infant or toddler.

12 (3) A statement of the major outcomes expected to be achieved
13 for the infant or toddler and family where services for the family
14 are related to meeting the special developmental needs of the
15 eligible infant or toddler.

16 (4) The criteria, procedures, and timelines used to determine
17 the degree to which progress toward achieving the outcomes is
18 being made and whether modifications or revisions are necessary.

19 (5) (A) A statement of the specific early intervention services
20 necessary to meet the unique needs of the infant or toddler as
21 identified in paragraph (3), including, but not limited to, the
22 frequency, intensity, location, duration, and method of delivering
23 the services, and ways of providing services in natural generic
24 environments, including group training for parents on behavioral
25 intervention techniques in lieu of some or all of the in-home parent
26 training component of the behavior intervention services, and
27 purchase of neighborhood preschool services and needed qualified
28 personnel in lieu of infant development programs.

29 (B) Effective July 1, 2009, at the time of development, review,
30 or modification of an infant's or toddler's individualized family
31 service plan, the regional center shall consider both of the
32 following:

33 (i) The use of group training for parents on behavior intervention
34 techniques, in lieu of some or all of the in-home parent training
35 component of the behavior intervention services.

36 (ii) The purchase of neighborhood preschool services and needed
37 qualified personnel, in lieu of infant development programs.

38 (6) A statement of the agency responsible for providing the
39 identified services.

1 (7) The name of the service coordinator who shall be responsible
2 for facilitating implementation of the plan and coordinating with
3 other agencies and persons.

4 (8) The steps to be taken to ensure transition of the infant or
5 toddler upon reaching three years of age to other appropriate
6 services. These may include, as appropriate, special education or
7 other services offered in natural environments.

8 (9) The projected dates for the initiation of services in paragraph
9 (5) and the anticipated duration of those services.

10 (e) Each service identified on the individualized family service
11 plan shall be designated as one of three types:

12 (1) An early intervention service, as defined in subsection (4)
13 of Section 1432 of Title 20 of the United States Code, and
14 applicable regulations, that is provided or purchased through the
15 regional center, local educational agency, or other participating
16 agency. The State Department of Health Care Services, State
17 Department of Social Services, State Department of Mental Health,
18 and State Department of Alcohol and Drug Programs shall provide
19 services in accordance with state and federal law and applicable
20 regulations, and up to the level of funding as appropriated by the
21 Legislature. Early intervention services identified on an
22 individualized family service plan that exceed the funding,
23 statutory, and regulatory requirements of these departments shall
24 be provided or purchased by regional centers or local educational
25 agencies under subdivisions (b) and (c) of Section 95014. The
26 State Department of Health Care Services, State Department of
27 Social Services, State Department of Mental Health, and State
28 Department of Alcohol and Drug Programs shall not be required
29 to provide early intervention services over their existing funding,
30 statutory, and regulatory requirements.

31 (2) Another service, other than those specified in paragraph (1),
32 which the eligible infant or toddler or his or her family may receive
33 from other state programs, subject to the eligibility standards of
34 those programs.

35 (3) A referral to a nonrequired service that may be provided to
36 an eligible infant or toddler or his or her family. Nonrequired
37 services are those services that are not defined as early intervention
38 services or do not relate to meeting the special developmental
39 needs of an eligible infant or toddler related to the disability, but
40 that may be helpful to the family. The granting or denial of

1 nonrequired services by a public or private agency is not subject
2 to appeal under this title. Notwithstanding any other provision of
3 law or regulation to the contrary, effective July 1, 2009, with the
4 exception of durable medical equipment, regional centers shall not
5 purchase nonrequired services, but may refer a family to a
6 nonrequired service that may be available to an eligible infant or
7 toddler or his or her family.

8 (f) An annual review, and other periodic reviews, of the
9 individualized family service plan for an infant or toddler and the
10 infant's or toddler's family shall be conducted to determine the
11 degree of progress that is being made in achieving the outcomes
12 specified in the plan and whether modification or revision of the
13 outcomes or services is necessary. The frequency, participants,
14 purpose, and required processes for annual and periodic reviews
15 shall be consistent with the statutes and regulations under Part C
16 of the federal Individuals with Disabilities Education Act (20
17 U.S.C. Sec. 1431 et seq.) and this title, and shall be specified in
18 regulations adopted pursuant to Section 95028. *At the time of the*
19 *review, the parents, legal guardian, or conservator shall provide*
20 *copies of any health benefit cards under which the consumer is*
21 *eligible to receive health benefits, including, but not limited to,*
22 *private health insurance, a health care service plan, Medi-Cal,*
23 *Medicare, and TRICARE. If the parents, legal guardian, or*
24 *conservator have no such benefit cards, the regional center shall*
25 *not use that fact to negatively impact the services that the*
26 *individual may or may not receive from the regional center.*

27 SEC. 2. Section 95020.5 is added to the Government Code, to
28 read:

29 95020.5. (a) Effective July 1, 2011, regional centers shall
30 begin transitioning providers of early intervention services
31 purchased through a regional center to electronic billing. All
32 providers of early intervention services provided or purchased
33 through a regional center shall submit all billings electronically
34 for services provided on or after July 1, 2012, with the exception
35 of the following:

36 (1) A provider whose services are paid for by vouchers, as that
37 term is defined in subdivision (i) of Section 4512 of the Welfare
38 and Institutions Code.

39 (2) A provider who demonstrates that submitting billings
40 electronically for services presents a substantial financial hardship.

1 (b) For purposes of this section, “electronic billing” is defined
2 as the Regional Center e-Billing System web application provided
3 by the State Department of Developmental Services.

4 SEC. 3. Section 709 of the Welfare and Institutions Code is
5 amended to read:

6 709. (a) During the pendency of any juvenile proceeding, the
7 minor’s counsel or the court may express a doubt as to the minor’s
8 competency. A minor is incompetent to proceed if he or she lacks
9 sufficient present ability to consult with counsel and assist in
10 preparing his or her defense with a reasonable degree of rational
11 understanding, or lacks a rational as well as factual understanding,
12 of the nature of the charges or proceedings against him or her. If
13 the court finds substantial evidence raises a doubt as to the minor’s
14 competency, the proceedings shall be suspended.

15 (b) Upon suspension of proceedings, the court shall order that
16 the question of the minor’s competence be determined at a hearing.
17 The court shall appoint an expert to evaluate whether the minor
18 suffers from a mental disorder, ~~developmental disability,~~
19 developmental immaturity, or other condition and, if so, whether
20 the condition or conditions impair the minor’s competency. The
21 expert shall have expertise in child and adolescent development,
22 and training in the forensic evaluation of juveniles, and shall be
23 familiar with competency standards and accepted criteria used in
24 evaluating competence. *If the minor is suspected of being*
25 *developmentally disabled, the court shall appoint the director of*
26 *a regional center for developmentally disabled individuals*
27 *described in Chapter 5 (commencing with Section 4620) of Division*
28 *4.5, or his or her designee, to evaluate the minor. The director of*
29 *the regional center, or his or her designee, shall determine whether*
30 *the minor has a developmental disability as defined in subdivision*
31 *(a) of Section 4512, and shall provide the court with a written*
32 *report informing the court of its determination.* The Judicial
33 Council shall develop and adopt rules for the implementation of
34 these requirements.

35 (c) If the minor is found to be incompetent by a preponderance
36 of the evidence, all proceedings shall remain suspended for a period
37 of time that is no longer than reasonably necessary to determine
38 whether there is a substantial probability that the minor will attain
39 competency in the foreseeable future, or the court no longer retains
40 jurisdiction. During this time, the court may ~~make~~:

1 (1) *Make* orders that it deems appropriate for services that may
2 assist the minor in attaining competency. ~~Further, the court may~~
3 ~~rule, consistent with the Lanterman Developmental Disabilities~~
4 ~~Services Act (Division 4.5 (commencing with Section 4500)).~~

5 (2) *Rule* on motions that do not require the participation of the
6 minor in the preparation of the motions. These motions include,
7 but are not limited to:

8 ~~(1)~~

9 (A) Motions to dismiss.

10 ~~(2)~~

11 (B) Motions by the defense regarding a change in the placement
12 of the minor.

13 ~~(3)~~

14 (C) Detention hearings.

15 ~~(4)~~

16 (D) Demurrers.

17 (d) If the minor is found to be competent, the court may proceed
18 commensurate with the court's jurisdiction.

19 (e) This section applies to a minor who is alleged to come within
20 the jurisdiction of the court pursuant to Section 601 or 602.

21 *SEC. 4. Section 712 of the Welfare and Institutions Code is*
22 *amended to read:*

23 712. (a) The evaluation ordered by the court under Section
24 711 shall be made, in accordance with the provisions of Section
25 741, ~~by an appropriate and licensed mental health professional~~
26 ~~who meets one or more of the following criteria and Division 4.5~~
27 ~~(commencing with Section 4500), by either of the following, as~~
28 ~~applicable:~~

29 (1) *For minors suspected to be developmentally disabled, by*
30 *the director of a regional center or his or her designee, pursuant*
31 *to subdivision (b) of Section 709.*

32 (2) *For all other minors, by an appropriate and licensed mental*
33 *health professional who meets one or more of the following*
34 *criteria:*

35 ~~(1)~~

36 (A) The person is licensed to practice medicine in the State of
37 California and is trained and actively engaged in the practice of
38 psychiatry.

39 ~~(2)~~

1 (B) The person is licensed as a psychologist under Chapter 6.6
2 (commencing with Section 2900) of Division 2 of the Business
3 and Professions Code.

4 (b) The evaluator selected by the court shall personally examine
5 the minor, conduct appropriate psychological or mental health
6 screening, assessment, or testing, according to a uniform protocol
7 developed by the county mental health department, and prepare
8 and submit to the court a written report indicating his or her
9 findings and recommendations to guide the court in determining
10 whether the minor has a serious mental disorder or is seriously
11 emotionally disturbed, as described in Section 5600.3, ~~or has a~~
12 ~~developmental disability, as defined in Section 4512.~~ If the minor
13 is detained, the examination shall occur within three court days of
14 the court's order of referral for evaluation, and the evaluator's
15 report shall be submitted to the court not later than five court days
16 after the evaluator has personally examined the minor, unless the
17 submission date is extended by the court for good cause shown.

18 (c) ~~Based on the evaluator's written report by the evaluator or~~
19 ~~the regional center,~~ the court shall determine whether the minor
20 has a serious mental disorder or is seriously emotionally disturbed,
21 as described in Section 5600.3, or has a developmental disability,
22 as defined in Section 4512. If the court determines that the minor
23 has a serious mental disorder, is seriously emotionally disturbed,
24 or has a developmental disability, the case shall proceed as
25 described in Section 713. If the court determines that the minor
26 does not have a serious mental disorder, is not seriously
27 emotionally disturbed, or does not have a developmental disability,
28 the matter shall proceed without the application of Section 713
29 and in accordance with all other applicable provisions of law.

30 (d) This section shall not be construed to interfere with the legal
31 authority of the juvenile court or of any other public or private
32 agency or individual to refer a minor for mental health evaluation
33 or treatment as provided in Section 370, 635.1, 704, 741, 5150,
34 5694.7, 5699.2, 5867.5, or 6551 of this code, or in Section 4011.6
35 of the Penal Code.

36 *SEC. 5. Section 4435 of the Welfare and Institutions Code is*
37 *amended to read:*

38 4435. (a) The department shall establish a prevention program
39 for at-risk babies. For purposes of this section, "at-risk baby" means
40 a child under 36 months of age who is otherwise not eligible for

1 the California Early Intervention Program pursuant to Title 14
2 (commencing with Section 95000) of the Government Code or
3 services provided under the Lanterman Developmental Disabilities
4 Services Act (Division 4.5 (commencing with Section 4500)) and
5 whose genetic, medical, developmental, or environmental history
6 is predictive of a substantially greater risk for developmental
7 disability than that for the general population, the presence of
8 which is diagnosed by qualified clinicians.

9 (b) This program shall provide intake, assessment, case
10 management, and referral to generic agencies. For purposes of this
11 section, “generic agency” means any agency that has a legal
12 responsibility to serve the general public and that is receiving
13 public funds for providing these services.

14 (c) The department shall allocate to each regional center, subject
15 to appropriation, specific funding for this program. A regional
16 center’s total expenditures for purchasing or providing services
17 under the prevention program shall not exceed the funding
18 allocated in its contract for this purpose.

19 ~~(d) The department shall establish policies and procedures for~~
20 ~~implementation of the prevention program by regional centers.~~
21 ~~These policies and procedures shall define other services included~~
22 ~~in this program and the process for appealing denial of eligibility~~
23 ~~for the prevention program.~~

24 *(d) Babies identified as being at-risk who are in the prevention*
25 *program as of June 30, 2011, shall continue in the prevention*
26 *program until the child reaches 36 months of age, the regional*
27 *center has determined the child is eligible for services under the*
28 *California Early Intervention Program pursuant to Title 14*
29 *(commencing with Section 95000) of the Government Code or the*
30 *Lanterman Developmental Disabilities Services Act (Division 4.5*
31 *(commencing with Section 4500), or June 30, 2012, whichever*
32 *date is earlier.*

33 *(e) Effective July 1, 2011, a regional center shall not refer any*
34 *at-risk babies to the prevention program described in this section.*

35 *(f) This section shall become inoperative on July 1, 2012, and,*
36 *as of January 1, 2013, is repealed, unless a later enacted statute,*
37 *that becomes operative on or before January 1, 2013, deletes or*
38 *extends the dates on which it becomes inoperative and is repealed.*

39 SEC. 6. Section 4435.1 is added to the Welfare and Institutions
40 Code, to read:

1 4435.1. (a) Effective July 1, 2011, the department shall
 2 establish a program for at-risk babies. For purposes of this section,
 3 “at-risk baby” means a child under 36 months of age who is
 4 otherwise not eligible for the California Early Intervention
 5 Program pursuant to Title 14 (commencing with Section 95000)
 6 of the Government Code or services provided under the Lanterman
 7 Developmental Disabilities Services Act (Division 4.5 (commencing
 8 with Section 4500)) and whose genetic, medical, developmental,
 9 or environmental history is predictive of a substantially greater
 10 risk for developmental disability than that for the general
 11 population, the presence of which is diagnosed by qualified
 12 clinicians.

13 (b) Effective July 1, 2011, when a regional center intake and
 14 assessment determination is that a baby is an at-risk baby as
 15 defined in subdivision (a), the regional center shall, with parental
 16 consent, refer the baby and family to the family resource center
 17 set forth in subdivision (c) for outreach, information, and referral
 18 services.

19 (c) Effective July 1, 2011, the department shall contract with
 20 an organization representing one or more family resource centers
 21 which receive federal funds from Subchapter III of the Individuals
 22 with Disabilities Education Act (20 U.S.C. Sec. 1431, et seq.) to
 23 provide outreach, information, and referral services to generic
 24 agencies for children under 36 months of age who are otherwise
 25 not eligible for the California Early Intervention Program pursuant
 26 to Title 14 (commencing with Section 95000) of the Government
 27 Code or services provided under the Lanterman Developmental
 28 Disabilities Services Act (Division 4.5 (commencing with Section
 29 4500)). The organization with which the department contracts
 30 shall be an organization that supports families of young children
 31 with intellectual or developmental disabilities, and those at risk
 32 of intellectual or developmental disabilities by ensuring the
 33 continuance, expansion, promotion, and quality of local family
 34 support services, including coordination, outreach, and referral.
 35 Any contracts entered into pursuant to this section shall be exempt
 36 from state contracting and procurement requirements set forth in
 37 the Government and Public Contract Codes and shall take effect
 38 immediately to protect the health and safety of the children
 39 receiving the services.

1 (d) *The contract described in subdivision (c) shall do both of*
2 *the following:*

3 (1) *Ensure the expeditious delivery of outreach, information,*
4 *and referral services to at-risk babies.*

5 (2) *Require the organization to establish a process with the*
6 *applicable regional center or centers for referral of the at-risk*
7 *baby to the regional center when the family resource center*
8 *suspects that the child may be eligible for services pursuant to the*
9 *California Early Intervention Program or the Lanterman*
10 *Developmental Disabilities Services Act.*

11 SEC. 7. *Section 4641.5 is added to the Welfare and Institutions*
12 *Code, to read:*

13 4641.5. (a) *Effective July 1, 2011, regional centers shall begin*
14 *transitioning all vendors of all regional center services to*
15 *electronic billing for services purchased through a regional center.*
16 *All vendors and contracted providers shall submit all billings*
17 *electronically for services provided on or after July 1, 2012, with*
18 *the exception of the following:*

19 (1) *A vendor or provider whose services are paid for by*
20 *vouchers, as that term is defined in subdivision (i) of Section 4512*
21 *of the Welfare and Institutions Code.*

22 (2) *A vendor or provider who demonstrates that submitting*
23 *billings electronically for services presents a substantial financial*
24 *hardship for the provider.*

25 (b) *For purposes of this section, “electronic billing” is defined*
26 *as the Regional Center e-Billing System Web application provided*
27 *by the department.*

28 SEC. 8. *Section 4643 of the Welfare and Institutions Code is*
29 *amended to read:*

30 4643. (a) *If assessment is needed, the assessment shall be*
31 *performed within 120 days following initial intake. Assessment*
32 *shall be performed as soon as possible and in no event more than*
33 *60 days following initial intake where any delay would expose the*
34 *client to unnecessary risk to his or her health and safety or to*
35 *significant further delay in mental or physical development, or the*
36 *client would be at imminent risk of placement in a more restrictive*
37 *environment. Assessment may include collection and review of*
38 *available historical diagnostic data, provision or procurement of*
39 *necessary tests and evaluations, and summarization of*

1 developmental levels and service needs and is conditional upon
2 receipt of the release of information specified in subdivision (b).

3 (b) In determining if an individual meets the definition of
4 developmental disability contained in subdivision (a) of Section
5 4512, the regional center may consider evaluations and tests,
6 including, but not limited to, intelligence tests, adaptive functioning
7 tests, neurological and neuropsychological tests, diagnostic tests
8 performed by a physician, psychiatric tests, and other tests or
9 evaluations that have been performed by, and are available from,
10 other sources.

11 (c) *At the time of assessment, the individual, or, where*
12 *appropriate, the parents, legal guardian, or conservator, shall*
13 *provide copies of any health benefit cards under which the*
14 *consumer is eligible to receive health benefits, including, but not*
15 *limited to, private health insurance, a health care service plan,*
16 *Medi-Cal, Medicare, and TRICARE. If the individual, or where*
17 *appropriate, the parents, legal guardians, or conservators, have*
18 *no such benefits, the regional center shall not use that fact to*
19 *negatively impact the services that the individual may or may not*
20 *receive from the regional center.*

21 SEC. 9. *Section 4646.4 of the Welfare and Institutions Code*
22 *is amended to read:*

23 4646.4. (a) ~~Effective September 1, 2008, regional~~ Regional
24 centers shall ensure, at the time of development, scheduled review,
25 or modification of a consumer's individual program plan developed
26 pursuant to Sections 4646 and 4646.5, or of an individualized
27 family service plan pursuant to Section 95020 of the Government
28 Code, the establishment of an internal process. This internal process
29 shall ensure adherence with federal and state law and regulation,
30 and when purchasing services and supports, shall ensure all of the
31 following:

32 (1) Conformance with the regional center's purchase of service
33 policies, as approved by the department pursuant to subdivision
34 (d) of Section 4434.

35 (2) Utilization of generic services and supports when
36 appropriate.

37 (3) Utilization of other services and sources of funding as
38 contained in Section 4659.

39 (4) Consideration of the family's responsibility for providing
40 similar services and supports for a minor child without disabilities

1 in identifying the consumer's service and support needs as provided
2 in the least restrictive and most appropriate setting. In this
3 determination, regional centers shall take into account the
4 consumer's need for extraordinary care, services, supports and
5 supervision, and the need for timely access to this care.

6 *(b) At the time of development, scheduled review, or*
7 *modification of a consumer's individual program plan developed*
8 *pursuant to Sections 4646 and 4646.5, or of an individualized*
9 *family service plan pursuant to Section 95020 of the Government*
10 *Code, the consumer, or, where appropriate, the parents, legal*
11 *guardian, or conservator, shall provide copies of their health*
12 *benefit cards under which the consumer is eligible to receive health*
13 *benefits, including, but not limited to, private health insurance, a*
14 *health care service plan, Medi-Cal, Medicare, and TRICARE. If*
15 *the individual, or, where appropriate, the parents, legal guardians,*
16 *or conservators, have no such benefits, the regional center shall*
17 *not use that fact to negatively impact the services that the*
18 *individual may or may not receive from the regional center.*

19 ~~(b)~~

20 (c) Final decisions regarding the consumer's individual program
21 plan shall be made pursuant to Section 4646.

22 ~~(e)~~

23 (d) Final decisions regarding the individual family support plan
24 shall be made pursuant to Section 95020 of the Government Code.

25 ~~(d)~~

26 (e) By no later than April 1, 2009, the department shall provide
27 the fiscal and policy committees of the Legislature with a written
28 update regarding the implementation of this section.

29 SEC. 10. Section 4646.5 of the Welfare and Institutions Code
30 is amended to read:

31 4646.5. (a) The planning process for the individual program
32 plan described in Section 4646 shall include all of the following:

33 (1) Gathering information and conducting assessments to
34 determine the life goals, capabilities and strengths, preferences,
35 barriers, and concerns or problems of the person with
36 developmental disabilities. For children with developmental
37 disabilities, this process should include a review of the strengths,
38 preferences, and needs of the child and the family unit as a whole.
39 Assessments shall be conducted by qualified individuals and
40 performed in natural environments whenever possible. Information

1 shall be taken from the consumer, his or her parents and other
2 family members, his or her friends, advocates, providers of services
3 and supports, and other agencies. The assessment process shall
4 reflect awareness of, and sensitivity to, the lifestyle and cultural
5 background of the consumer and the family.

6 (2) A statement of goals, based on the needs, preferences, and
7 life choices of the individual with developmental disabilities, and
8 a statement of specific, time-limited objectives for implementing
9 the person's goals and addressing his or her needs. These objectives
10 shall be stated in terms that allow measurement of progress or
11 monitoring of service delivery. These goals and objectives should
12 maximize opportunities for the consumer to develop relationships,
13 be part of community life in the areas of community participation,
14 housing, work, school, and leisure, increase control over his or her
15 life, acquire increasingly positive roles in community life, and
16 develop competencies to help accomplish these goals.

17 (3) When developing individual program plans for children,
18 regional centers shall be guided by the principles, process, and
19 services and support parameters set forth in Section 4685.

20 (4) A schedule of the type and amount of services and supports
21 to be purchased by the regional center or obtained from generic
22 agencies or other resources in order to achieve the individual
23 program plan goals and objectives, and identification of the
24 provider or providers of service responsible for attaining each
25 objective, including, but not limited to, vendors, contracted
26 providers, generic service agencies, and natural supports. The
27 *individual program* plan shall specify the approximate scheduled
28 start date for services and supports and shall contain timelines for
29 actions necessary to begin services and supports, including generic
30 services.

31 (5) When agreed to by the consumer, the parents or legally
32 appointed guardian of a minor consumer, or the legally appointed
33 conservator of an adult consumer or the authorized representative,
34 including those appointed pursuant to subdivision (d) of Section
35 4548 and subdivision (e) of Section 4705, a review of the general
36 health status of the adult or child including a medical, dental, and
37 mental health needs shall be conducted. This review shall include
38 a discussion of current medications, any observed side effects, and
39 the date of last review of the medication. Service providers shall
40 cooperate with the planning team to provide any information

1 necessary to complete the health status review. If any concerns
2 are noted during the review, referrals shall be made to regional
3 center clinicians or to the consumer's physician, as appropriate.
4 Documentation of health status and referrals shall be made in the
5 consumer's record by the service coordinator.

6 (6) (A) *The development of a transportation access plan for a*
7 *consumer when all of the following conditions are met:*

8 (i) *The regional center is purchasing private, specialized*
9 *transportation services or services from a residential, day, or other*
10 *provider, excluding voucher service providers, to transport the*
11 *consumer to and from day or work services.*

12 (ii) *The planning team has determined that a consumer's*
13 *community integration and participation could be safe and*
14 *enhanced through the use of public transportation services.*

15 (iii) *The planning team has determined that generic*
16 *transportation services are available and accessible.*

17 (B) *To maximize independence and community integration and*
18 *participation, the transportation access plan shall identify the*
19 *services and supports necessary to assist the consumer in accessing*
20 *public transportation and shall comply with Section 4648.35. These*
21 *services and supports may include, but are not limited to, mobility*
22 *training services and the use of transportation aides. Regional*
23 *centers are encouraged to coordinate with local public*
24 *transportation agencies.*

25 ~~(6)~~

26 (7) A schedule of regular periodic review and reevaluation to
27 ascertain that planned services have been provided, that objectives
28 have been fulfilled within the times specified, and that consumers
29 and families are satisfied with the individual program plan and its
30 implementation.

31 (b) For all active cases, individual program plans shall be
32 reviewed and modified by the planning team, through the process
33 described in Section 4646, as necessary, in response to the person's
34 achievement or changing needs, and no less often than once every
35 three years. If the consumer or, where appropriate, the consumer's
36 parents, legal guardian, or conservator requests an individual
37 program plan review, the individual program shall be reviewed
38 within 30 days after the request is submitted.

39 (c) (1) The department, with the participation of representatives
40 of a statewide consumer organization, the Association of Regional

1 Center Agencies, an organized labor organization representing
2 service coordination staff, and the Organization of Area Boards
3 shall prepare training material and a standard format and
4 instructions for the preparation of individual program plans, which
5 embodies an approach centered on the person and family.

6 (2) Each regional center shall use the training materials and
7 format prepared by the department pursuant to paragraph (1).

8 (3) The department shall biennially review a random sample of
9 individual program plans at each regional center to assure that
10 these plans are being developed and modified in compliance with
11 Section 4646 and this section.

12 *SEC. 11. Section 4646.55 of the Welfare and Institutions Code*
13 *is amended to read:*

14 4646.55. (a) Notwithstanding any other provision of law or
15 regulation to the contrary, and to the extent federal financial
16 participation is available, effective July 1, 2007, the State
17 Department of Developmental Services is hereby authorized to
18 make supplemental payment to an enrolled Medi-Cal provider that
19 is a licensed intermediate care facility/developmentally
20 disabled-habilitative, licensed intermediate care
21 facility/developmentally disabled-nursing, or licensed intermediate
22 care facility/developmentally disabled, for day treatment and
23 transportation services provided pursuant to Sections 4646 and
24 4646.5, applicable regulations, and Section 14132.925, to Medi-Cal
25 beneficiaries residing in a licensed intermediate care
26 facility/developmentally disabled-habilitative, licensed intermediate
27 care facility/developmentally disabled-nursing, or licensed
28 intermediate care facility/developmentally disabled. These
29 payments shall be considered supplemental payments to the
30 enrolled Medi-Cal provider and shall be comprised of the full costs
31 of reimbursing regional centers for making disbursements to day
32 treatment and transportation service providers, plus a coordination
33 fee which will include an administrative fee and reimbursement
34 for the increased costs associated with the quality assurance fee
35 paid accordingly and without a separate State Department of
36 Developmental Services contract.

37 (b) Notwithstanding any other provision of law and to the extent
38 federal financial participation is available, and in furtherance of
39 this section and Section 14132.925, the State Department of
40 Developmental Services shall amend the regional center contracts

1 for the 2007–08 *and* 2008–09 fiscal-year years to extend the
2 contract liquidation period until ~~June 30~~ December 31, 2011. The
3 contract amendments and budget adjustments shall be exempt from
4 the provisions of Article 1 (commencing with Section 4620).

5 *SEC. 12. Section 4648.35 of the Welfare and Institutions Code*
6 *is amended to read:*

7 ~~4648.35. Effective July 1, 2009, at~~ At the time of development,
8 review, or modification of a consumer’s individual program plan
9 (IPP) or individualized family service plan (IFSP), all of the
10 following shall apply to a regional center:

11 (a) A regional center shall not fund private specialized
12 transportation services for an adult consumer who can safely access
13 and utilize public transportation, when that transportation is
14 available.

15 (b) A regional center shall fund the least expensive
16 transportation modality that meets the consumer’s needs, as set
17 forth in the consumer’s IPP or IFSP.

18 (c) A regional center shall fund transportation, when required,
19 from the consumer’s residence to the lowest-cost vendor that
20 provides the service that meets the consumer’s needs, as set forth
21 in the consumer’s IPP or IFSP. For purposes of this subdivision,
22 the cost of a vendor shall be determined by combining the vendor’s
23 program costs and the costs to transport a consumer from the
24 consumer’s residence to the vendor.

25 (d) A regional center shall fund transportation services for a
26 minor child living in the family residence, only if the family of
27 the child provides sufficient written documentation to the regional
28 center to demonstrate that it is unable to provide transportation for
29 the child.

30 *SEC. 13. Section 4648.55 is added to the Welfare and*
31 *Institutions Code, to read:*

32 *4648.55. (a) A regional center shall not purchase day program,*
33 *vocational education, work services, independent living program,*
34 *or mobility training and related transportation services for a*
35 *consumer who is 18 to 22 years of age, inclusive, if that consumer*
36 *is eligible for special education and related education services*
37 *and has not received a diploma or certificate of completion, unless*
38 *the individual program plan (IPP) planning team determines that*
39 *the consumer’s needs cannot be met in the educational system or*
40 *grants an exemption pursuant to subdivision (d). If the planning*

1 *team determines that generic services can meet the consumer's*
2 *day, vocational education, work services, independent living, or*
3 *mobility training and related transportation needs, the regional*
4 *center shall assist the consumer in accessing those services. To*
5 *ensure that consumers receive appropriate educational services*
6 *and an effective transition from services provided by educational*
7 *agencies to services provided by regional centers, the regional*
8 *center service coordinator, at the request of the consumer or,*
9 *where appropriate, the consumer's parent, legal guardian, or*
10 *conservator, may attend the individualized education program*
11 *(IEP) planning team meeting.*

12 *(b) For consumers who are 18 to 22 years of age, inclusive,*
13 *who have left the public school system, and who are receiving*
14 *regional center purchased services identified in subdivision (a)*
15 *on or before the effective date of this section, a determination shall*
16 *be made through the IPP as to whether the return to the*
17 *educational system can be achieved while meeting the consumer's*
18 *needs. If the planning team determines that the consumer's needs*
19 *cannot be met in the educational system, the regional center may*
20 *continue to purchase the services identified in subdivision (a). If*
21 *the planning team determines that generic services can meet the*
22 *consumer's day, vocational education, work services, independent*
23 *living, or mobility training and related transportation needs, the*
24 *regional center shall assist the consumer in accessing those*
25 *services.*

26 *(c) For consumers who are 18 to 22 years of age, inclusive,*
27 *who have left school prior to enactment of this section, but who*
28 *are not receiving any of the regional center purchased services*
29 *identified in subdivision (a), the regional center shall use generic*
30 *education services to meet the consumer's day, vocational*
31 *education, work services, independent living, or mobility training*
32 *and related transportation needs if those needs are subsequently*
33 *identified in the IPP unless the consumer is eligible for an*
34 *exemption as set forth in subdivision (d). If the planning team*
35 *determines that generic services can meet the consumer's day,*
36 *vocational education, work services, independent living, or mobility*
37 *training and related transportation needs, the regional center shall*
38 *assist the consumer in accessing those services.*

39 *(d) An exemption to the provisions of this section may be granted*
40 *on an individual basis in extraordinary circumstances to permit*

1 purchase of a service identified in subdivision (a). An exemption
2 shall be granted through the IPP process and shall be based on a
3 determination that the generic service is not appropriate to meet
4 the consumer's need. The consumer shall be informed of the
5 exemption and the process for obtaining an exemption.

6 (e) A school district may contract with regional center vendors
7 to meet the needs of consumers pursuant to this section.

8 SEC. 14. Section 4681.7 is added to the Welfare and Institutions
9 Code, to read:

10 4681.7. (a) Effective July 1, 2011, in order to maintain a
11 consumer's preferred living arrangement and adjust the residential
12 services and supports in accordance with changing service needs
13 identified in the individual program plan (IPP), a regional center
14 may enter into a signed written agreement with a residential service
15 provider for a consumer's supervision, training, and support needs
16 to be provided at a lower level of payment than the facility's
17 designated Alternative Residential Model (ARM) service level.
18 The regional center signed written agreement with the provider
19 shall ensure all of the following:

20 (1) Services provided to other facility residents comply with the
21 applicable service requirements for the facility's approved service
22 level pursuant to Section 4681.1 and Title 17 of the California
23 Code of Regulations.

24 (2) Protection of the health and safety of each facility resident.

25 (3) Identification of the revised services and supports to be
26 provided to the consumer within the ARM rate structure as part
27 of the establishment or revision of an IPP.

28 (4) Identification of the rate.

29 (b) If the service needs of a consumer referred to in subdivision
30 (a) change such that the consumer requires a higher level of
31 supervision, training, and support, the regional center shall adjust
32 the consumer's service level and rate to meet the consumer's
33 changing needs.

34 (c) A regional center is authorized to enter into a signed written
35 agreement with a residential service provider for a consumer's
36 needed services at a lower level of payment and staffing without
37 adjusting the facility's approved service level. A signed written
38 agreement for a lower level of payment and staffing may only be
39 entered into when a regional center, a consumer, and the facility
40 agree that the facility can safely provide the service and supports

1 *needed by the consumer, as identified in the IPP, at the lower level*
2 *of payment.*

3 *(d) Any negotiated lower level of payment pursuant to this*
4 *section shall be consistent with the payment options within the*
5 *ARM rate structure and with associated ARM service level*
6 *requirements.*

7 *SEC. 15. Section 4686.3 is added to the Welfare and Institutions*
8 *Code, to read:*

9 *4686.3. The department shall adopt emergency regulations to*
10 *address the use of paraprofessionals in group practice provider*
11 *behavioral intervention services and establish a rate. The*
12 *regulations shall also establish a rate and the educational or*
13 *experiential qualifications and professional supervision*
14 *requirements necessary for the paraprofessional to provide*
15 *behavioral intervention services. The adoption, amendment, repeal,*
16 *or readoption of a regulation authorized by this section is deemed*
17 *to be necessary for the immediate preservation of the public peace,*
18 *health and safety, or general welfare, for purposes of Sections*
19 *11346.1 and 11349.6 of the Government Code, and the department*
20 *is hereby exempted from the requirement that it describe specific*
21 *facts showing the need for immediate action. A certificate of*
22 *compliance for these implementing regulations shall be filed within*
23 *24 months following the adoption of the first emergency regulations*
24 *filed pursuant to this section.*

25 *SEC. 16. Section 4686.31 is added to the Welfare and*
26 *Institutions Code, to read:*

27 *4686.31. (a) Effective July 1, 2011, notwithstanding any other*
28 *law or regulation to the contrary, any vendor who provides services*
29 *as specified in paragraph (4) shall submit verification to the*
30 *regional center for services provided to consumers who are under*
31 *18 years of age and residing in the family home as follows:*

32 *(1) The department shall develop and post a standard form for*
33 *vendors to complete and provide to the family for signature. The*
34 *form shall include, but not be limited to, the name and title of the*
35 *vendor, the vendor identification number, the name of the*
36 *consumer, the unique client identifier, the location of the service,*
37 *the date and start and end times of the service, and a description*
38 *of the service provided. The form shall also include instructions*
39 *for the parents or legally appointed guardians to contact the*

1 regional center service coordinator immediately if they are unable
2 to sign the form.

3 (2) The vendor shall provide the parents or legally appointed
4 guardians of a minor consumer with the department form to sign.
5 The form shall be signed and dated by the parents or legally
6 appointed guardians of a minor consumer and be submitted to the
7 vendor providing services within 30 days of the month in which
8 the services were provided.

9 (3) The vendor shall submit the completed forms to the regional
10 center together with the vendor's invoices for the services provided.

11 (4) If the parents or legally appointed guardians of a minor
12 consumer do not submit a form to the vendor, the vendor shall
13 notify the regional center.

14 (5) This subdivision shall only apply to the following types of
15 services: Behavior Analyst, Associate Behavior Analyst, Behavior
16 Management Assistant, Behavior Technician (Paraprofessional),
17 Behavior Management Consultant, Counseling Services, Tutor,
18 Crisis Team-Evaluation and Behavioral Intervention, Tutor
19 Services-Group, Client/Parent Support Behavior Intervention
20 Training, and Parent-Coordinated Home Based Behavior
21 Intervention Program for Autistic Children.

22 (b) The failure of the parents or legally appointed guardians of
23 a minor consumer to submit a verification of services to the vendor
24 shall not be a basis for terminating or changing behavioral services
25 to the minor consumer. Any changes to behavioral services shall
26 be made by the consumer's planning team pursuant to Section
27 4512.

28 SEC. 17. Section 4688.1 of the Welfare and Institutions Code
29 is amended to read:

30 4688.1. (a) Notwithstanding any other provision of law or
31 regulation to the contrary, vendors of behavior management,
32 activity center, and adult development center day programs, social
33 recreation programs, socialization training programs, community
34 integration training programs, community activities support
35 programs, creative art programs, and work activity programs shall
36 offer an alternative senior program component focused on the
37 needs of individuals with developmental disabilities who are over
38 50 years of age, at a rate not to exceed the lesser of thirty-five
39 dollars (\$35) per day or the vendor's existing daily rate.

1 (1) The alternative senior program component shall be provided
2 at a ratio of no more than eight consumers to one staff member.

3 (2) Consistent with the intent of the Lanterman Developmental
4 Disabilities Services Act, the alternative senior program component
5 shall be offered within the provider's existing vendored capacity
6 as reflected in its program design or licensed capacity.

7 (b) Effective July 1, 2009, at the time of development, review,
8 or modification of an eligible consumer's individual program plan,
9 regional centers, as appropriate, shall provide information about
10 and offer an alternative senior program. The alternative senior
11 program shall be offered to eligible consumers who want to
12 transition to a program component focused on the needs and
13 interests of seniors.

14 (c) *Effective July 1, 2011, a regional center shall not refer any*
15 *additional consumers to alternative senior programs.*

16 SEC. 18. *Section 4688.2 of the Welfare and Institutions Code*
17 *is amended to read:*

18 4688.2. (a) Notwithstanding any other provision of law or
19 regulation to the contrary, vendors of behavior management,
20 activity center, and adult development center adult day programs,
21 community integration training programs, and community activities
22 support services programs shall offer an alternative customized
23 program component with an appropriate staffing component to
24 meet individualized consumer needs.

25 (1) The alternative customized program component shall be
26 offered within the provider's existing vendored capacity, as
27 reflected in its program design or licensed capacity.

28 (2) The regional center shall fund customized programs based
29 on the vendor's existing rate and only fund those hours provided.

30 (b) Effective July 1, 2009, at the time of development, review,
31 or modification of a consumer's individual program plan, regional
32 centers, as appropriate, shall provide information about and make
33 available the customized program option.

34 (1) The alternative customized program component shall be
35 offered to individuals with developmental disabilities who want a
36 program focused on their individualized needs and interests to
37 develop or maintain employment or volunteer activities in lieu of
38 their current program.

1 (2) Total hours of service for this alternative customized
2 program shall range between 20 and 80 hours per month, per
3 person, depending on the support needs of the individual.

4 (c) *Effective July 1, 2011, a regional center shall not refer any*
5 *additional consumers to alternative customized programs.*

6 SEC. 19. Section 4688.21 is added to the Welfare and
7 Institutions Code, to read:

8 4688.21. (a) *The Legislature places a high priority on*
9 *opportunities for adults with developmental disabilities to choose*
10 *and customize day services to meet their individualized needs;*
11 *have opportunities to further the development or maintenance of*
12 *employment and volunteer activities; direct their services; pursue*
13 *postsecondary education; and increase their ability to lead*
14 *integrated and inclusive lives. To further these goals, a consumer*
15 *may choose a tailored day service or vouchered community-based*
16 *training service, in lieu of any other regional center vendored day*
17 *program, look-alike day program, supported employment program,*
18 *or work activity program.*

19 (b) (1) *A tailored day service shall do both of the following:*

20 (A) *Include an individualized service design, as determined*
21 *through the individual program plan (IPP) and approved by the*
22 *regional center, that maximizes the consumer's individualized*
23 *choices and needs. This service design may include, but may not*
24 *be limited to, the following:*

25 (i) *Fewer days or hours than in the program's approved day*
26 *program, look-alike day program, supported employment program,*
27 *or work activity program design.*

28 (ii) *Flexibility in the duration and intensity of services to meet*
29 *the consumer's individualized needs.*

30 (B) *Encourage opportunities to further the development or*
31 *maintenance of employment, volunteer activities, or pursuit of*
32 *postsecondary education; maximize consumer direction of the*
33 *service; and increase the consumer's ability to lead an integrated*
34 *and inclusive life.*

35 (2) *The type and amount of tailored day service shall be*
36 *determined through the IPP process, pursuant to Section 4646.*
37 *The IPP shall contain, but not be limited to, the following:*

38 (A) *A detailed description of the consumer's individualized*
39 *choices and needs and how these choices and needs will be met.*

1 (B) *The type and amount of services and staffing needed to meet*
2 *the consumer's individualized choices and needs, and unique health*
3 *and safety and other needs.*

4 (3) *The staffing requirements set forth in Section 55756 of Title*
5 *17 of the California Code of Regulations and subdivision (r) of*
6 *Section 4851 shall not apply to a tailored day service.*

7 (4) *For currently vendored programs wishing to offer a tailored*
8 *day service option, the regional center shall vendor a tailored day*
9 *service option upon negotiating a rate and maximum units of*
10 *service design that includes, but is not limited to, the following:*

11 (i) *A daily or hourly rate and maximum units of service design*
12 *that does not exceed the equivalent cost of four days per week of*
13 *the vendor's current rate, if the vendor has a daily day program*
14 *rate.*

15 (ii) *A rate and maximum units of service design that does not*
16 *exceed the equivalent cost of four-fifths of the hours of the vendor's*
17 *current rate, if the vendor has an hourly rate.*

18 (5) *The regional center shall ensure that the vendor is capable*
19 *of complying with, and will comply with, the consumer's IPP,*
20 *individual choice, and health and safety needs.*

21 (6) *For new programs wishing to offer a tailored day service*
22 *option, the regional center shall vendor a tailored day service*
23 *option upon negotiating a rate and maximum units of service*
24 *design. The rate paid to the new vendor shall not exceed four-fifths*
25 *of the temporary payment rate or the median rate, whichever is*
26 *applicable.*

27 (7) *Effective July 1, 2011, and prior to the time of development,*
28 *review, or modification of a consumer's IPP, regional centers*
29 *shall provide information about tailored day service to eligible*
30 *adult consumers. A consumer may request information about*
31 *tailored day services from the regional center at any time and may*
32 *request an IPP meeting to secure those services.*

33 (c) (1) *A voucher community-based training service is defined*
34 *as a consumer-directed service that assists the consumer in the*
35 *development of skills required for community integrated*
36 *employment or participation in volunteer activities, or both, and*
37 *the assistance necessary for the consumer to secure employment*
38 *or volunteer positions or pursue secondary education.*

1 (2) *Implementation of vouchered community-based training*
2 *service is contingent upon the approval of the federal Centers for*
3 *Medicare and Medicaid Services.*

4 (3) *Vouchered community-based training service shall be*
5 *provided in natural environments in the community, separate from*
6 *the consumer's residence.*

7 (4) *A consumer, parent, or conservator vendored as a vouchered*
8 *community-based training service shall utilize the services of a*
9 *financial management services (FMS) entity. The regional center*
10 *shall provide information about available financial management*
11 *services and shall assist the consumer in selecting a FMS vendor*
12 *to act as coemployer.*

13 (5) *A parent or conservator shall not be the direct support*
14 *worker employed by the vouchered community-based training*
15 *service vendor.*

16 (6) *If the direct support worker is required to transport the*
17 *consumer, the vouchered community-based training service vendor*
18 *shall verify that the direct support worker can transport the*
19 *consumer safely and has a valid California driver's license and*
20 *proof of insurance.*

21 (7) *The rate for vouchered community-based training service*
22 *shall not exceed thirteen dollars and forty-seven cents (\$13.47)*
23 *per hour. The rate includes employer-related taxes and all*
24 *transportation needed to implement the service, except as described*
25 *in paragraph (8). The rate does not include the cost of the FMS.*

26 (8) *A consumer vendored as a vouchered community-based*
27 *training service shall also be eligible for a regional center-funded*
28 *bus pass, if appropriate and needed.*

29 (9) *Vouchered community-based training service shall be limited*
30 *to a maximum of 150 hours per quarter. The services to be*
31 *provided and the service hours shall be documented in the*
32 *consumer's IPP.*

33 (10) *A direct support worker of vouchered community-based*
34 *training service shall be an adult who possesses the skill, training,*
35 *and experience necessary to provide services in accordance with*
36 *the IPP.*

37 (11) *Effective July 1, 2011, and prior to the time of development,*
38 *review, or modification of a consumer's IPP, regional centers*
39 *shall provide information about vouchered community-based*
40 *training service to eligible adult consumers. A consumer may*

1 *request information about vouchersed community-based training*
2 *service from the regional center at any time and may request an*
3 *IPP meeting to secure those services.*

4 *(12) The type and amount of vouchersed community-based*
5 *training service shall be determined through the IPP process*
6 *pursuant to Section 4646. The IPP shall contain, but not be limited*
7 *to, the following:*

8 *(A) A detailed description of the consumer's individualized*
9 *choices and needs and how these choices and needs will be met.*

10 *(B) The type and amount of services and staffing needed to meet*
11 *the consumer's individualized choices and unique health and safety*
12 *and other needs.*

13 *(d) The department may adopt emergency regulations for*
14 *tailored day service or vouchersed community-based training*
15 *service. The adoption, amendment, repeal, or readoption of a*
16 *regulation authorized by this subdivision is deemed to be necessary*
17 *for the immediate preservation of the public peace, health and*
18 *safety, or general welfare, for purposes of Sections 11346.1 and*
19 *11349.6 of the Government Code, and the department is hereby*
20 *exempted from the requirement that it describe specific facts*
21 *showing the need for immediate action. A certificate of compliance*
22 *for these implementing regulations shall be filed within 24 months*
23 *following the adoption of the first emergency regulations filed*
24 *pursuant to this subdivision.*

25 *SEC. 20. Section 4689 of the Welfare and Institutions Code is*
26 *amended to read:*

27 *4689. Consistent with state and federal law, the Legislature*
28 *places a high priority on providing opportunities for adults with*
29 *developmental disabilities, regardless of the degree of disability,*
30 *to live in homes that they own or lease with support available as*
31 *often and for as long as it is needed, when that is the preferred*
32 *objective in the individual program plan. In order to provide*
33 *opportunities for adults to live in their own homes, the following*
34 *procedures shall be adopted:*

35 *(a) The department and regional centers shall ensure that*
36 *supported living arrangements adhere to the following principles:*

37 *(1) Consumers shall be supported in living arrangements which*
38 *are typical of those in which persons without disabilities reside.*

1 (2) The services or supports that a consumer receives shall
2 change as his or her needs change without the consumer having
3 to move elsewhere.

4 (3) The consumer's preference shall guide decisions concerning
5 where and with whom he or she lives.

6 (4) Consumers shall have control over the environment within
7 their own home.

8 (5) The purpose of furnishing services and supports to a
9 consumer shall be to assist that individual to exercise choice in his
10 or her life while building critical and durable relationships with
11 other individuals.

12 (6) The services or supports shall be flexible and tailored to a
13 consumer's needs and preferences.

14 (7) Services and supports are most effective when furnished
15 where a person lives and within the context of his or her day-to-day
16 activities.

17 (8) Consumers shall not be excluded from supported living
18 arrangements based solely on the nature and severity of their
19 disabilities.

20 (b) Regional centers may contract with agencies or individuals
21 to assist consumers in securing their own homes and to provide
22 consumers with the supports needed to live in their own homes.

23 (c) The range of supported living services and supports available
24 include, but are not limited to, assessment of consumer needs;
25 assistance in finding, modifying and maintaining a home;
26 facilitating circles of support to encourage the development of
27 unpaid and natural supports in the community; advocacy and
28 self-advocacy facilitation; development of employment goals;
29 social, behavioral, and daily living skills training and support;
30 development and provision of 24-hour emergency response
31 systems; securing and maintaining adaptive equipment and
32 supplies; recruiting, training, and hiring individuals to provide
33 personal care and other assistance, including in-home supportive
34 services workers, paid neighbors, and paid roommates; providing
35 respite and emergency relief for personal care attendants; and
36 facilitating community participation. Assessment of consumer
37 needs may begin before 18 years of age to enable the consumer to
38 move to his or her own home when he or she reaches 18 years of
39 age.

1 (d) Regional centers shall provide information and education
2 to consumers and their families about supported living principles
3 and services.

4 (e) Regional centers shall monitor and ensure the quality of
5 services and supports provided to individuals living in homes that
6 they own or lease. Monitoring shall take into account all of the
7 following:

8 (1) Adherence to the principles set forth in this section.

9 (2) Whether the services and supports outlined in the consumer's
10 individual program plan are congruent with the choices and needs
11 of the individual.

12 (3) Whether services and supports described in the consumer's
13 individual program plan are being delivered.

14 (4) Whether services and supports are having the desired effects.

15 (5) Whether the consumer is satisfied with the services and
16 supports.

17 (f) The planning team, established pursuant to subdivision (j)
18 of Section 4512, for a consumer receiving supported living services
19 shall confirm that all appropriate and available sources of natural
20 and generic supports have been utilized to the fullest extent possible
21 for that consumer.

22 (g) Regional centers shall utilize the same supported living
23 provider for consumers who reside in the same domicile, provided
24 that each individual consumer's particular needs can still be met
25 pursuant to his or her individual program plans.

26 (h) Rent, mortgage, and lease payments of a supported living
27 home and household expenses shall be the responsibility of the
28 consumer and any roommate who resides with the consumer.

29 (i) A regional center shall not make rent, mortgage, or lease
30 payments on a supported living home, or pay for household
31 expenses of consumers receiving supported living services, except
32 under the following circumstances:

33 (1) If all of the following conditions are met, a regional center
34 may make rent, mortgage, or lease payments as follows:

35 (A) The regional center executive director verifies in writing
36 that making the rent, mortgage, or lease payments or paying for
37 household expenses is required to meet the specific care needs
38 unique to the individual consumer as set forth in an addendum to
39 the consumer's individual program plan, and is required when a
40 consumer's demonstrated medical, behavioral, or psychiatric

1 condition presents a health and safety risk to himself or herself,
2 or another.

3 (B) During the time period that a regional center is making rent,
4 mortgage, or lease payments, or paying for household expenses,
5 the supported living services vendor shall assist the consumer in
6 accessing all sources of generic and natural supports consistent
7 with the needs of the consumer.

8 (C) The regional center shall not make rent, mortgage, or lease
9 payments on a supported living home or pay for household
10 expenses for more than six months, unless the regional center finds
11 that it is necessary to meet the individual consumer's particular
12 needs pursuant to the consumer's individual program plan. The
13 regional center shall review a finding of necessity on a quarterly
14 basis and the regional center executive director shall annually
15 verify in an addendum to the consumer's individual program plan
16 that the requirements set forth in subparagraph (A) continue to be
17 met.

18 (2) A regional center that has been contributing to rent,
19 mortgage, or lease payments or paying for household expenses
20 prior to July 1, 2009, shall at the time of development, review, or
21 modification of a consumer's individual program plan determine
22 if the conditions in paragraph (1) are met. If the planning team
23 determines that these contributions are no longer appropriate under
24 this section, a reasonable time for transition, not to exceed six
25 months, shall be permitted.

26 (j) All paid roommates and live-in support staff in supported
27 living arrangements in which regional centers have made rent,
28 mortgage, or lease payments, or have paid for household expenses
29 pursuant to subdivision (i) shall pay their share of the rent,
30 mortgage, or lease payments or household expenses for the
31 supported living home, subject to the requirements of Industrial
32 Welfare Commission Order No. 15-2001 and the Housing Choice
33 Voucher Program, as set forth in Section 1437f of Title 42 of the
34 United States Code.

35 (k) Regional centers shall ensure that the supported living
36 services vendors' administrative costs are necessary and reasonable,
37 given the particular services that they are providing and the number
38 of consumers to whom the vendor provides services.
39 Administrative costs shall be limited to allowable costs for

1 community-based day programs, as defined in Section 57434 of
2 Title 17 of the California Code of Regulations, or its successor.

3 (l) Regional centers shall ensure that the most cost-effective of
4 the rate methodologies is utilized to determine the negotiated rate
5 for vendors of supported living services, consistent with Section
6 4689.8 and Title 17 of the California Code of Regulations.

7 (m) For purposes of this section, “household expenses” means
8 general living expenses and includes, but is not limited to, utilities
9 paid and food consumed within the home.

10 (n) A supported living services provider shall provide assistance
11 to a consumer who is a Medi-Cal beneficiary in applying for
12 in-home supportive services, as set forth in Section 12300, within
13 five days of the consumer moving into a supported living services
14 arrangement.

15 (o) *For consumers receiving supported living services who*
16 *share a household with one or more adults receiving supported*
17 *living services, efficiencies in the provision of service may be*
18 *achieved if some tasks can be shared, meaning the tasks can be*
19 *provided at the same time while still ensuring that each person’s*
20 *individual needs are met. These tasks shall only be shared to the*
21 *extent they are permitted under the Labor Code and related*
22 *regulations, including, but not limited to, Industrial Welfare*
23 *Commission Minimum Wage Order No. 15. The planning team,*
24 *as defined in subdivision (j) of Section 4512, at the time of*
25 *development, review, or modification of a consumer’s individual*
26 *program plan (IPP), for housemates currently in a supported living*
27 *arrangement or planning to move together into a supported living*
28 *arrangement, or for consumers who live with a housemate not*
29 *receiving supported living services who is responsible for the task,*
30 *shall consider, with input from the service provider, whether any*
31 *tasks, such as meal preparation and cleanup, menu planning,*
32 *laundry, shopping, general household tasks, or errands can*
33 *appropriately be shared. If tasks can be appropriately shared, the*
34 *regional center shall purchase the prorated share of the activity.*
35 *Upon a determination of a reduction in services pursuant to this*
36 *section, the regional center shall inform the consumer of the reason*
37 *for the determination, and shall provide a written notice of fair*
38 *hearing rights pursuant to Section 4701.*

39 (p) *To ensure that consumers in supported living arrangements*
40 *receive the appropriate amount and type of supports, an*

1 *independent assessment shall be required for consumers currently*
2 *receiving, or initially entering, supported living who have*
3 *supported living services costs, or have an initial recommendation*
4 *for service costs, that exceed 125 percent of the annual statewide*
5 *average cost of supported living services, as published by the*
6 *department commencing June 30, 2011. Notwithstanding any other*
7 *provision of law, commencing July 1, 2011, regional centers shall*
8 *identify consumers currently receiving supported living services,*
9 *pursuant to this section, whose annual supported living service*
10 *costs exceed 125 percent of the annual statewide average cost of*
11 *supported living services. The regional center shall also identify*
12 *consumers who have an initial recommendation for supported*
13 *living service costs that exceed 125 percent of the annual statewide*
14 *average cost of supported living services. For those consumers*
15 *identified pursuant to this subdivision, the regional center shall*
16 *arrange for an independent assessment to be completed prior to*
17 *the next scheduled IPP for consumers currently in a supported*
18 *living arrangement and within 30 days of identification of*
19 *consumers with an initial recommendation for services. The*
20 *independent assessment shall be completed by an impartial entity*
21 *or individual other than the supported living services agency*
22 *providing, or planning to provide, the service and shall be used*
23 *during IPP meetings to assist the team to determine whether the*
24 *services provided or recommended are necessary and sufficient*
25 *and that the most cost-effective methods of service are utilized.*
26 *Decisions about supported living shall be made by the IPP team.*
27 *The independent assessment process shall adhere to all of the*
28 *following:*

29 *(1) Supported living service providers shall conduct*
30 *comprehensive assessments for the purpose of getting to know the*
31 *consumer they will be supporting and developing a support plan*
32 *congruent with the choices and needs of the individual and*
33 *consistent with the principles of supported living set forth in this*
34 *section and in Subchapter 19 (commencing with Section 58600)*
35 *of Chapter 3 of Division 2 of Title 17 of the California Code of*
36 *Regulations. The independent assessment required by this*
37 *paragraph is not intended to take the place of or repeat the service*
38 *provider's comprehensive assessment. The purpose of the*
39 *independent assessment is to provide an additional look at whether*
40 *the supported living services being provided, or being proposed*

1 *for a person initially entering supported living, are necessary,*
2 *sufficient, or cost-effective to meet the person's choices and needs,*
3 *as determined by the comprehensive assessment and the planning*
4 *team. The independent needs assessment may include, but is not*
5 *limited to, use of natural and generic support, technology that*
6 *provides support otherwise necessary through direct staffing hours,*
7 *shared housing, support alternatives, learning methods, lifting*
8 *and transferring, bathroom, grooming, meals, communication,*
9 *transportation, mobility, emergency procedures, medication*
10 *management, household responsibilities, personal needs,*
11 *interpersonal relationships, and behavioral, medical, and overnight*
12 *supports.*

13 *(2) A consumer shall not be excluded from supported living*
14 *services based on an independent assessment.*

15 *(3) The entity or individual conducting independent assessments*
16 *shall not be an employee of a regional center or the consumer's*
17 *service provider. Current supported living providers may conduct*
18 *independent assessments for consumers being supported, or about*
19 *to be supported, by other providers. However a provider who*
20 *conducts an independent assessment may not provide direct*
21 *services to a consumer it has assessed for a period of one year.*
22 *Each regional center shall publicly identify the entities and*
23 *individuals it will use to conduct independent assessments.*
24 *Regional centers shall ensure there are sufficient independent*
25 *assessors so that assessments can be provided when required*
26 *without undue delay.*

27 *(4) Initial entry into supported living shall not be delayed for*
28 *more than 30 days following the determination to request an*
29 *independent assessment due to the need for an independent*
30 *assessment pursuant to this section. If the independent assessment*
31 *cannot be conducted within that time period, the individual may*
32 *move into supported living with the amount of supports*
33 *recommended by the service provider's comprehensive assessment*
34 *and an additional IPP to consider the results of the independent*
35 *assessment shall be conducted when that assessment becomes*
36 *available, if necessary. For individuals currently in a supported*
37 *living arrangement, supports shall continue at the same level while*
38 *the independent assessment is being conducted.*

39 *(5) Independent assessors shall meet all of the following*
40 *qualifications:*

1 (A) Have a demonstrated understanding of the foundation of
2 supported living as a service that assists an individual to live in
3 his or her own home with supports as needed to be part of their
4 community and of the principles and operational requirements of
5 supported living set forth in this section and in Subchapter 19
6 (commencing with Section 58600) of Chapter 3 of Division 2 of
7 Title 17 of the California Code of Regulations.

8 (B) Have a demonstrated understanding of the of the IPP
9 process and the legal rights of people with developmental
10 disabilities in California.

11 (C) Have experience with the provision of supported living
12 services in California.

13 (6) The department shall establish a rate of payment for an
14 independent assessment.

15 (7) The planning team, as defined in subdivision (j) of Section
16 4512, shall consider the independent assessment along with the
17 provider's assessment, if available, and any other relevant
18 information in determining whether there should be any adjustment
19 to the amount or type of supports currently being received by
20 individuals in supported living arrangement or recommended for
21 individuals initially entering supported living arrangement. Any
22 decisions to reduce supports shall not be applied retroactively.

23 (8) A consumer shall be reassessed as described in this
24 subdivision every three years in conjunction with the consumer's
25 IPP review to determine whether all services are necessary and
26 sufficient and to ensure that the most cost-effective methods of
27 service are being utilized.

28 (9) Individuals who are moving to a supported living
29 arrangement or have moved to a supported living arrangement
30 from a developmental center or state-operated community facility
31 shall not be required to have an additional assessment during the
32 first 12 months following placement.

33 (10) Upon a determination of a reduction in services pursuant
34 to this section, the regional center shall inform the consumer of
35 the reason for the determination, and shall provide a written notice
36 of fair hearing rights pursuant to Section 4701.

37 (11) Nothing in this section precludes the completion of an
38 independent assessment for other purposes.

39 SEC. 21. Section 4690.6 is added to the Welfare and Institutions
40 Code, to read:

1 4690.6. (a) Activity centers, adult development centers,
2 behavior management programs, and other look-alike day
3 programs with a daily rate shall bill regional centers for services
4 provided to consumers in terms of half days of service and full
5 days of service.

6 (b) For purposes of this section, the following definitions apply:

7 (1) "Full day of service" means a day in which the consumer's
8 attendance is at least 65 percent of the declared and approved
9 program day.

10 (2) "Half day of service" means any day in which the
11 consumer's attendance does not meet the criteria for billing for a
12 full day of service.

13 (c) A regional center may change the length of the declared and
14 approved program day for a specific consumer in order to meet
15 the needs of that consumer, upon the recommendation of the
16 individual program planning team. The regional center shall set
17 forth in the individual program plan the length of the consumer's
18 program day and the reasons for the change in the length of the
19 declared and approved program day.

20 (d) The definitions set forth in this section shall not apply to
21 vendors of tailored day program service.

22 SEC. 22. Section 4785 is added to the Welfare and Institutions
23 Code, to read:

24 4785. (a) (1) Effective July 1, 2011, a regional center shall
25 assess an annual family program fee, as described in subdivision
26 (b), from parents whose adjusted gross family income is at or
27 above 400 percent of the federal poverty level based upon family
28 size and who have a child to whom all of the following apply:

29 (A) The child has a developmental disability or is eligible for
30 services under the California Early Intervention Services Act (Title
31 14 (commencing with Section 95000) of the Government Code).

32 (B) The child is less than 18 years of age.

33 (C) The child lives with his or her parent.

34 (D) The child or family receives services beyond eligibility
35 determination, needs assessment, and service coordination.

36 (E) The child does not receive services through the Medi-Cal
37 program.

38 (2) An annual family program fee shall not be assessed or
39 collected pursuant to this section if the child receives only respite,
40 day care, or camping services from the regional center, and a cost

1 *for participation is assessed to the parents under the Family Cost*
2 *Participation Program.*

3 *(3) The annual family program fee shall be initially assessed*
4 *by a regional center at the time of the development, scheduled*
5 *review, or modification of the individual program plan (IPP)*
6 *pursuant to Sections 4646 and 4646.5, or the individualized family*
7 *services plan (IFSP) pursuant to Section 95020 of the Government*
8 *Code, but no later than June 30, 2012, and annually thereafter.*

9 *(4) Application of this section to children zero through two*
10 *years of age, inclusive, shall be contingent upon necessary*
11 *approval by the United States Department of Education.*

12 *(b) (1) The annual family program fee for parents described*
13 *in paragraph (1) of subdivision (a) shall be two hundred dollars*
14 *(\$200) per family, regardless of the number of children in the*
15 *family with developmental disabilities or who are eligible for*
16 *services under the California Early Intervention Services Act.*

17 *(2) Notwithstanding paragraph (1), parents described in*
18 *paragraph (1) of subdivision (a) who demonstrate to the regional*
19 *center that their adjusted gross family income is less than 800%*
20 *of the federal poverty level shall be required to pay an annual*
21 *family program fee of one hundred fifty dollars (\$150) per family,*
22 *regardless of the number of children in the family with*
23 *developmental disabilities or who are eligible for services under*
24 *the California Early Intervention Services Act.*

25 *(c) At the time of intake or at the time of development, scheduled*
26 *review, or modification of a consumer's IPP or IFSP, but no later*
27 *than June 30, 2012, the regional center shall provide to parents*
28 *described in paragraph (1) of subdivision (a) a form and an*
29 *envelope for the mailing of the annual family program fee to the*
30 *department. The form, which shall include the name of the children*
31 *in the family currently being served by a regional center and their*
32 *unique client identifiers, shall be sent, with the family's annual*
33 *program fee, to the department.*

34 *(d) The department shall notify each regional center at least*
35 *quarterly of the annual family program fees collected.*

36 *(e) The regional center shall, within 30 days after notification*
37 *from the department pursuant to subdivision (d), provide a written*
38 *notification to the parents from whom the department has not*
39 *received the annual family program fees. Regional centers shall*
40 *notify the department if a family receiving notification pursuant*

1 to this section has failed to pay its annual family program fees
2 based on the subsequent notice pursuant to subdivision (d). For
3 these families, the department shall pursue collection pursuant to
4 the Accounts Receivable Management Act (Chapter 4.3
5 (commencing with Section 16580) of Part 2 of Division 4 of Title
6 2 of the Government Code).

7 (f) A regional center may grant an exemption to the assessment
8 of an annual family program fee if the parents demonstrate any
9 of the following:

10 (1) That the exemption is necessary to maintain the child in the
11 family home.

12 (2) The existence of an extraordinary event that impacts the
13 parents' ability to pay the fee or the parents' ability to meet the
14 care and supervision needs of the child.

15 (3) The existence of a catastrophic loss that temporarily limits
16 the ability of the parents to pay and creates a direct economic
17 impact on the family. For purposes of this paragraph, catastrophic
18 loss may include, but is not limited to, natural disasters, accidents
19 involving, or major injuries to, an immediate family member, and
20 extraordinary medical expenses.

21 (g) Services shall not be delayed or denied for a consumer or
22 child based upon the lack of payment of the annual family program
23 fee.

24 (h) For purposes of this section, "parents" means the parents,
25 whether natural, adoptive, or both, of a child with developmental
26 disabilities under 18 years of age.

27 (i) Parents described in paragraph (1) of subdivision (a) shall
28 be jointly and severally responsible for the annual family program
29 fee, unless a court order directs otherwise.

30 (j) (1) "Total adjusted gross family income" means income
31 acquired, earned, or received by parents as payment for labor or
32 services, support, gift, or inheritance, or parents' return on
33 investments. It also includes the community property interest of a
34 parent in the gross adjusted income of a stepparent.

35 (2) The total adjusted gross family income shall be determined
36 by adding the gross income of both parents, regardless of whether
37 they are divorced or legally separated, unless a court order directs
38 otherwise, or unless the custodial parent certifies in writing that
39 income information from the noncustodial parent cannot be
40 obtained from the noncustodial parent and in this circumstance

1 *only the income of the custodial parent shall be used to determine*
2 *the annual family program fee.*

3 *(k) This section shall become inoperative on June 30, 2013, and*
4 *as of January 1, 2014, is repealed, unless a later enacted statute,*
5 *that becomes operative on or before June 30, 2013, deletes or*
6 *extends the dates on which it becomes inoperative and is repealed.*

7 SEC. 23. *Section 7502.5 of the Welfare and Institutions Code*
8 *is amended to read:*

9 7502.5. (a) The total number of developmental center residents
10 in the secure treatment facility at Porterville Developmental Center,
11 including those residents receiving services in the Porterville
12 Developmental Center transition treatment program, shall not
13 exceed ~~297~~ 230.

14 (b) *As of the effective date of this subdivision, the State*
15 *Department of Developmental Services shall not admit any persons*
16 *into the secure treatment facility at Porterville Developmental*
17 *Center until the population of the secure treatment facility is less*
18 *than 230 persons.*

19 (c) *To maximize federal financial participation, the State*
20 *Department of Developmental Services shall not admit any more*
21 *than 104 people who are ineligible to participate in programs*
22 *certified for federal financial participation into the secure*
23 *treatment facility at Porterville Developmental Center.*

24 SEC. 24. *Section 10 of Chapter 13 of the Third Extraordinary*
25 *Session of the Statutes of 2009, as amended by Section 16 of*
26 *Chapter 9 of the Statutes of 2011, is amended to read:*

27 Sec. 10. (a) Notwithstanding any other provision of law, in
28 order to implement changes in the level of funding for regional
29 center purchase of services, regional centers shall reduce payments
30 for services and supports provided pursuant to Title 14
31 (commencing with Section 95000) of the Government Code and
32 Division 4.1 (commencing with Section 4400) and Division 4.5
33 (commencing with Section 4500) of the Welfare and Institutions
34 Code. From February 1, 2009, to June 30, 2010, inclusive, regional
35 centers shall reduce all payments for these services and supports
36 paid from purchase of services funds for services delivered on or
37 after February 1, 2009, by 3 percent, and from July 1, 2010, to
38 June 30, 2012, inclusive, by 4.25 percent, unless the regional center
39 demonstrates that a nonreduced payment is necessary to protect
40 the health and safety of the individual for whom the services and

1 supports are proposed to be purchased, and the State Department
2 of Developmental Services has granted prior written approval.

3 (b) Regional centers shall not reduce payments pursuant to
4 subdivision (a) for the following:

5 (1) Supported employment services with rates set by Section
6 4860 of the Welfare and Institutions Code.

7 (2) Services with “usual and customary” rates established
8 pursuant to Section 57210 of Title 17 of the California Code of
9 Regulations, *except as provided in subdivision (c).*

10 (3) Payments to offset reductions in Supplemental Security
11 Income/State Supplementary Payment (SSI/SSP) benefits for
12 consumers receiving supported and independent living services.

13 (c) *The exemption provided for in paragraph (2) of subdivision*
14 *(b) shall not apply to payments for any of the following services:*

15 (1) *Crisis and behavioral services provided by a nationally*
16 *certified or state-licensed professional, consistent with the*
17 *professional’s scope of practice, as set forth in the Business and*
18 *Professions Code.*

19 (2) *Services of group practices providing behavioral*
20 *intervention.*

21 (3) *Parent-coordinator home-based behavioral intervention for*
22 *children with autism.*

23 (4) *Individual or family training.*

24 (5) *Registered nurse services.*

25 (6) *Therapy services, including physical, speech, occupational,*
26 *recreational, and music therapy.*

27 (7) *Audiology services.*

28 (8) *Independent living specialist services.*

29 (9) *Translator and interpreter services.*

30 (10) *Mobility training, socialization training, or community*
31 *integration training services.*

32 (11) *Community activities support, program support, or*
33 *parenting support services.*

34 (12) *Personal assistance services.*

35 (13) *Tutoring services.*

36 (14) *Creative arts services.*

37 (15) *Early start specialized therapeutic services.*

38 (e)

39 (d) Notwithstanding any other provision of law, in order to
40 implement changes in the level of funding appropriated for regional

1 centers, the department shall amend regional center contracts to
2 adjust regional center budgets accordingly for the 2008–09 fiscal
3 year through the 2011–12 fiscal year. The contract amendments
4 and budget adjustments shall be exempt from the provisions of
5 Article 1 (commencing with Section 4620) of Chapter 5 of Division
6 4.5 of the Welfare and Institutions Code.

7 *SEC. 25. Due to a change in the availability of federal funding*
8 *that addresses California’s ability to capture additional federal*
9 *financial participation for day treatment and transportation*
10 *services provided to a Medi-Cal beneficiary residing in a licensed*
11 *intermediate care facility, as specified in Sections 4646.55 and*
12 *14132.925 of the Welfare and Institutions Code, funds appropriated*
13 *in the following budget items shall be available for liquidation*
14 *until December 31, 2011:*

15 *(a) Item 4300-101-0001 of the Budget Act of 2007 (Chapters*
16 *171 and 172, Statutes of 2007), as previously reappropriated by*
17 *Chapter 268 of the Statutes of 2008.*

18 *(b) Item 4300-101-0001 of the Budget Act of 2008 (Chapters*
19 *268 and 269, Statutes of 2008).*

20 *SEC. 26. The State Department of Developmental Services*
21 *(DDS) shall reimburse the Office of Statewide Audits and*
22 *Evaluations (OSAE) within the Department of Finance to conduct*
23 *a review and analysis of the budget methodology, including*
24 *relevant data, formulas, and cost assumptions, used in determining*
25 *the annual state budget for the developmental centers. The DDS*
26 *shall provide information to the OSAE as necessary for it to*
27 *complete its analysis and provide recommendations. It is the*
28 *Legislature’s intent for the DDS to notify the OSAE and to proceed*
29 *with this analysis during the fall of 2011.*

30 *SEC. 27. The sum of one thousand dollars (\$1,000) is hereby*
31 *appropriated from the General Fund to the State Department of*
32 *Developmental Services for departmental support.*

33 *SEC. 28. This act is a bill providing for appropriations related*
34 *to the Budget Bill within the meaning of subdivision (e) of Section*
35 *12 of Article IV of the California Constitution, has been identified*
36 *as related to the budget in the Budget Bill, and shall take effect*
37 *immediately.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, March 14, 2011. (JR11)**

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